

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FRANCIE E. MOELLER, EDWARD MUEGGE,
KATHERINE CORBETT, and CRAIG THOMAS
YATES,

Plaintiffs,

v.

TACO BELL CORP.,

Defendant.

Case No. 02-cv-05849 PJH (NC)

**ORDER re DEPOSITION OF
DARLENE YORK**

Re: Docket Nos. 643, 644

The parties have presented another skirmish in a long-running battle over the scheduling of depositions. This particular dispute concerns the deposition of Darlene York, noticed for October 19 at noon, in San Francisco. Four days before the deposition, plaintiffs sought to reschedule the deposition due to an “urgent medical appointment” for York. (Doc. 633 at 1) According to Taco Bell, it has “made clear that it does not intend to proceed” with York’s deposition. (Doc. 644 at 2) Accordingly, there is no need to quash the York subpoena, as the issue is moot.

The parties remain at odds over whether the York deposition might be replaced in the schedule for October 19 by the deposition of a different class member. This seems like a reasonable suggestion, but there is little time to confirm an available replacement.

1 The Court therefore orders as follows: (1) by October 24, plaintiffs shall provide Taco
2 Bell with a list of dates that Darlene York and plaintiffs' counsel are available for a deposition
3 that will take place before November 18 in San Francisco or another agreed location; and (2) by
4 noon on October 18, plaintiffs shall inform Taco Bell in writing whether Judith Darden or
5 another class member identified by Taco Bell (Doc. 644 at 3, lines 11-13) may be deposed in the
6 afternoon of October 19 in San Francisco. If plaintiffs cannot identify a replacement witness for
7 October 19, the Court will consider an order reimbursing Taco Bell for its reasonable expenses
8 caused by the rescheduling of the York deposition.

9 IT IS SO ORDERED.

10
11 DATED: October 17, 2011


NATHANAEL M. COUSINS
United States Magistrate Judge